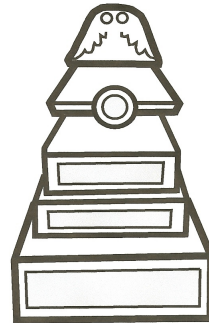


Neely & Trimble Historic Cemeteries Plan



Hugo Graves Team Hugo Neighborhood Association & Historical Society



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Draft 2014

Neely & Trimble Historic Cemeteries Plan

Draft Macro Table of Contents

October 14, 2014

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October 14, 2014

Neely & Trimble Historic Cemeteries Plan The following is the table of contents of the Neely & Trimble Historic Cemeteries Plan (N&T Cem Plan). Applicable independent components of the plan are identified under the main chapter headings as appropriate.

BACKGROUND

- . Hugo Graves Team Members
- . HuNAHS's Cemeteries and Graves Program Plan
- . Hugo's Home Graves
- . Hugo's Historic Cemeteries
- . Hugo's Home Graves

INTRODUCTION: HuNAHS'S SPECIFIC PLANS FOR INDIVIDUAL CEMETERIES AND/OR GRAVES

I. MISSION (Neely & Trimble Historic Cemeteries Plan)

A. HuNAHS

The mission of the Hugo Neighborhood Association & Historical Society (HuNH&HS) follows.

- *Promote Citizen Involvement (Oregon Statewide Goal 1)*
- *Promote Education*
- *Protect Our Farms and Forests (Oregon Statewide Goals 3 & 4)*
- *Protect Our Community's Rural Quality of Life*
- *Preserve Our History*

Hugo Neighborhood is an informal nonprofit charitable and educational organization with a land use and history mission promoting the social welfare of its neighbors. Its land use mission is to promote the social welfare of the citizens of the area by working to preserve, protect, and enhance the livability and economic viability of its farms, forests, and rural neighbors.

Its history mission is to identify, document, interpret, and preserve the cultural resources of our community, especially our local history, and for building public cultural interest and participation in the history of the Hugo area.

B. Hugo Graves Team

Draft HGT Mission Statement?: Assure the Neely & Trimble Historic Cemeteries retain their historic character in perpetuity.

C. Potential Issues (brainstorming)

Brainstorming issues potentially applicable to the N&T Cem Plan follow.

1. Issue 1. Standards & Criteria Identification

. Roads

. Significance “*Archaeological sites are considered significant until their eligibility can be evaluated.*” (Archaeology Bulletin 1 - Archaeological Sites on Private Lands)

Significance. Preliminary October 12, 2014 Hugo Graves Team Analysis

2. Issue 2. Advocacy Through Organization

3. Issue 3. Grounds Maintenance

4. Issue 4. Vandalism

5. Issue 5. Outreach

6. Issue 6. Historic Character

- . Pre-Application Review

- . Land Use Request. Request for Comprehensive Plan Amendment and Zone Change From Forest to Residential and WR to RR-5

- . Land Use Request (pps. 2-3). Introduction
- . Land Use Request (p. 3). *“As part of the development of the property the roadway will be improved with paving.”*
- . Land Use Request. (p. 15).
- . Land Use Request. (pps.). Schoolhouse Creek Road A Public Road

- . Land Use Request. Potential Improvements for Schoolhouse Creek Road
 - . Alternative Option A. August 27, 2014 Proposed Schoolhouse Creek Rd Re-Alignment
 - . Alternative Option B. August 27, 2014 Proposed Schoolhouse Creek Rd Re-Alignment

7. Issue 7. Resources to Interpret Law

8. Issue 8. Inventories/Status

- . Archaeological, historical, prehistoric or anthropological nature?
- . Historic cemetery status?
- . Archaeological site status?
- . Human remains status?
- . Grave markers as memorials to the dead status?
- . Platted cemetery status?
- . Dedicated cemetery status?
- . Tax lot status?
- . Private land status?
- . Ownership status? (e.g., no known owners - private landowner’s permission letter, etc.)

9. Issue 9. Historic Cemeteries Discontinued/Impacted

- . Proposals to remove dedication of historic cemetery property?
- . Proposals to discontinue historic cemetery property?
- . Proposals to abandon historic cemetery property?
- . Proposals to have remains removed and/or relocated from the burial ground or historic cemetery property?
- . Proposals to disturb historic cemetery property through road construction?
- . Proposals to removal of any historic burials coordinated with a professional archaeologist who has obtained a state archaeological permit?
- . Proposals to excavate or alter an archaeological site, or remove any material of an archaeological, historical, prehistoric or anthropological nature without first obtaining a permit issued by the State Parks and Recreation Department?

10. Other Issues?

II. STRATEGIES & GOALS (Neely & Trimble Historic Cemeteries Plan)

III. RESOURCES (Neely & Trimble Historic Cemeteries Plan)

A. Laws Under review for applicability to Neely & Trimble Cemetery Planning Process

1. Federal

2. State of Oregon

Oregon Administrative Statutes (ORS) Under review for applicability to Neely & Trimble Cemetery Planning Process

ORS 97. RIGHTS AND DUTIES RELATING TO CEMETERIES, HUMAN BODIES AND ANATOMICAL GIFTS

DISPOSITION OF HUMAN BODIES

. ORS 97.220. Disinterment

DEDICATION TO CEMETERY PURPOSES; PLATTINGS

. ORS 97.310 Survey and subdivision of land; map or plat of mausoleum or columbarium; access easement.

. ORS 97.360 Resurvey and alteration in shape or size; vacation of streets, walks, driveways and parks and replatting into lots.

. ORS 97.440 Removal of dedication.

. ORS 97.450 Discontinuance of cemetery and removal of remains and markers.

INDIAN GRAVES AND PROTECTED OBJECTS

. ORS 97.740. Definitions for ORS 97.740 to ORS 97.760

. ORS 97.740 To ORS 97.760

OREGON COMMISSION ON HISTORIC CEMETERIES

. ORS 97.772. Definition of "historic cemetery"

. ORS 97.780. Duties

. ORS 97.782. Listing of historic cemeteries; form

ORS 166. OFFENSES AGAINST PUBLIC ORDER; FIREARMS AND OTHER WEAPONS; RACKETEERING

. ORS 166.076. Abuse of a Memorial to the Dead

ORS 271. USE AND DISPOSITION OF PUBLIC LANDS GENERALLY; EASEMENTS

. ORS 271.715 to 271.795. Conservation & Highway Preservation Easements

ORS 358. OREGON HISTORICAL AND HERITAGE AGENCIES, PROGRAMS AND TAX PROVISIONS; MUSEUMS; LOCAL SYMPHONIES AND BANDS; ARCHAEOLOGICAL OBJECTS AND SITES

- . ORS 358.905 to ORS 358.961. Archaeological Objects & Sites
- . ORS 358.920 . Prohibited conduct; exception; penalty

. ORS 390. STATE PARKS AND RECREATION DEPARTMENT (Archaeological Sites and Historical Material)

- . ORS 390.235. Permits and conditions for excavation or removal of archaeological or historical material; rules; criminal penalty
- . ORS 390.237 . Removal without permit; exceptions
- . ORS 390.240 . Mediation and arbitration of disputes; rules

2.a) Archaeological Laws Under review for applicability to Neely & Trimble Cemetery Planning Process

Under Oregon State Law (ORS 97.740, ORS 358.905-358.961, ORS 390.235, OAR 736-051-0090) significant archaeological sites are protected on all non-federal public (state, county, city) and private lands.

- . ORS 97.740 Definitions for ORS 97.740 to 97.760.
- . ORS 97.780 Duties [of The Oregon Commission on Historic Cemeteries].
- . ORS 97.782 Listing of historic cemeteries; form.
- . ORS 358.905-358.961
- . ORS 390.235

Archaeological sites on private land are owned by the landowner and the land cannot be taken from the owner. The artifacts from a site are also the property of the landowner, except for Native American human remains, burials, associated funerary objects, sacred objects, and objects of cultural patrimony (ORS 97.740). For long term protection, a Conservation Easement (ORS 271.715-271.795) or Preservation Deed Covenant is an important option for archaeological sites on private land.

- . ORS 97.740
- . ORS 358.905-358.961 or ORS 390.235
- . ORS 271.715-271.795

What happens when an archaeological site is on private land? If an archaeological site is on private land, it should be avoided. If avoidance is not possible and the site will be impacted as a result of a proposed activity (e.g., construction [buildings, access routes, irrigation], dumping, trampling), it will need to be evaluated (recorded and studied by a professional archaeologist) for significance under a state-issued permit before the activity can begin. If the site is determined not significant by a professional archaeologist, with concurrence from the Oregon SHPO, the proposed activity can occur without further archaeological research. If the site is found to be significant, steps will need to be taken to minimize and/or mitigate the damage resulting from the

proposed activity. At the conclusion of any archaeological excavation, all artifacts remain the property of the landowner; however, Oregon SHPO strongly recommends the landowner donate the artifacts to the Oregon Museum of Natural and Cultural History in Eugene or to a local museum.

When is a permit needed? Under state law (Oregon Revised Statutes [ORS] 390.235 and 358.920) a person may not excavate or alter a known archaeological site on public or private lands, or make an exploratory excavation on public lands to determine the presence of an archaeological site, or remove from public or private lands any material of an archaeological, historical, prehistoric or anthropological nature without first obtaining a permit issued by the State Historic Preservation Office (SHPO), a division of the State Parks and Recreation Department. Separate permits are needed for each property owner or county where archaeological investigations are needed. It is important to note that a “known site” is one that any individual is aware of, or that is documented with the state or any other institution. A site does not need to be listed in a particular database or have been assigned a Smithsonian Trinomial to be considered a “known site”.

- . ORS 358.920
- . ORS 390.235
- . ORS 390.235 [6][b])

2.b) Oregon's Historic Cemeteries Laws

List the cemetery with the Oregon Commission on Historic Cemeteries (OCHC). The list and survey form are available at www.oregonheritage.org or by calling (503) 986-0685.

- a. Provides knowledge of the cemetery's existence.
- b. Offers potential payment for repairs in a vandalism conviction.
- c. Requires Commission knowledge and comment before cemetery or burials can be removed.

Know the local and state laws regarding historic cemeteries. For state laws visit www.oregon.gov. Some laws to consider are:

- a. Historic cemetery laws ORS 97
- b. Vandalism and abuse of a memorial to the dead ORS 166.076
- c. Archaeological laws ORS 358.905 to 358.955 and ORS 390.235 to 390.240

. ORS 97

. ORS 97.310 - 420 Survey and subdivision of land; map or plat of mausoleum or columbarium; access easement.

97.320 Filing map or plat and declaration of dedication of land to cemetery purposes. In case of a cemetery lot, the cemetery authority shall file the map or plat in the office of the recording officer of the county in which all or a portion of the property is situated, and it forthwith shall file for record in that officer's office a written declaration dedicating the property delineated on the plat or map exclusively to cemetery purposes.

97.330 When dedication is complete. Upon the filing of the map or plat and of the declaration for record, the dedication is complete for all purposes, and thereafter the property shall be held, occupied and used exclusively for cemetery purposes.

97.340 Effect of dedication. After property is dedicated to cemetery purposes pursuant to ORS 97.310 to 97.330 and 97.360 (1), neither the dedication nor the title of a plot owner shall be affected by the dissolution of the cemetery authority by nonuser on its part, by alienation of the property, by any encumbrances, by sale under execution or otherwise, except as provided in ORS 97.310 to 97.350, 97.360 (2), 97.440, 97.510 to 97.650, 97.710, 97.720 and 97.810 to 97.865.

. ORS 97.360(2) Resurvey and alteration in shape or size; vacation of streets, walks, driveways and parks and replatting into lots.

. ORS 97.420 Effect of failure to object.

. ORS 97.440 Removal of [cemetery] dedication.

. ORS 97.450 Discontinuance of cemetery and removal of remains and markers.

. ORS 97.772 Definition of "historic cemetery."

. ORS 97.780 Duties. [Oregon Commission on Historic Cemeteries]

. ORS 97.782 Listing of historic cemeteries [by Oregon Commission on Historic Cemeteries]; form.

- . ORS 166.076
- . ORS 358.905 to 358.955
- . ORS 390.235 to 390.240

Grave markers are protected under abuse of a memorial to the dead, even if not historic. ORS 166. Human remains are protected ORS 97 and ORS 166.

ORS 97.310-97.420 What is the difference between a platted cemetery and a dedicated cemetery? A platted cemetery is mapped with borders, plots, structures, etc. identified. A dedicated cemetery has a written letter of declaration and map or plat filed for record in the office of the recorder of the county as a property for solely cemetery purposes. A dedicated cemetery has more protection in the case of moving the cemetery than a cemetery that is only platted. ORS 97.310-97.420 http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors097.html

ORS 97.360 Resurvey and alteration in shape or size; vacation of streets, walks, driveways and parks and replatting into lots.

ORS 97.420 Effect of failure to object. Any owner of such cemetery as is mentioned in ORS 97.360 (2), or of any lot therein, or any relative or heir of any deceased person buried in such cemetery who fails to appear and file written objection to any proposed replat, alteration or vacation, authorized by ORS 97.360 (2), shall be deemed to have consented to the proposed change and shall be forever barred from claiming any right to use and have open for traffic or passageway any streets, alleys, driveways or parks vacated, or any right, title or interest therein, except as provided in ORS 97.360 (2) and 97.370 to 97.410.

ORS 97.440 The OCHC must be notified and allowed to give comment on removal of dedication of historic cemetery property. http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors097.html

ORS 97.450 A historic cemetery may not be discontinued, declared abandoned or have remains removed from the burial ground or cemetery without prior notice to and comment by the OCHC. ORS 97.450. http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors097.html.

Can cemeteries be discontinued? Cemeteries may be discontinued only with notification of next of kin and removal of interments and markers to another cemetery. If it is a historic cemetery the Oregon Commission on Historic Cemeteries must be notified and allowed to respond. ORS 97.450 http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors097.html

ORS 97.772 Definition of “historic cemetery.” For purposes of ORS 97.772 to 97.784, “historic cemetery” means any burial place that contains the remains of one or more persons who died before February 14, 1909.

ORS 97.780 Duties. The Oregon Commission on Historic Cemeteries shall:
(1) Maintain a listing of all historic cemeteries in this state.
(6) Assist the director in locating and listing historic cemeteries.

ORS 97.782 Listing of historic cemeteries; form. A historic cemetery that is not an operating cemetery, as defined in ORS 692.010, shall be listed with the Oregon Commission on Historic Cemeteries. An owner or any other person or association of individuals that maintains such a historic cemetery shall list the historic cemetery with the Oregon Commission on Historic Cemeteries on a form provided by the commission. No fee shall be required from a historic cemetery for listing.

ORS 358.920. Human burials that are over 75 years of age are considered archaeological sites and are protected under state law.

http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors358.html

ORS 390.235 The removal of any historic burials needs to be coordinated with a professional archaeologist who has obtained a state archaeological permit.

http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors390.html

OAR 736-051-0080 to 0090 -

http://arcweb.sos.state.or.us/pages/rules/oars_700/oar_736/736_051.html

Are there laws pertaining to archaeological sites?

- Archaeological sites are acknowledged to be a finite, irreplaceable and nonrenewable cultural resource, and are an intrinsic part of the cultural heritage of the people of Oregon. As such, archaeological sites and their contents located on public land are under the stewardship of the people of Oregon to be protected and managed in perpetuity by the state as a public trust.

ORS 358.905- 358.961

http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors358.html

- A person may not excavate or alter an archaeological site on public and private lands, make an exploratory excavation on public lands to determine the presence of an archaeological site, or remove from public and private lands any material of an archaeological, historical, prehistoric or anthropological nature without first obtaining a permit issued by the State Parks and Recreation Department. ORS 390.235-390.240

http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors390.html

3. Local - Josephine County, Oregon

B. Regulations Under review for applicability to Neely & Trimble Cemetery Planning Process

1. Federal

2. State of Oregon

a) Regulations

OAR 660-015-0000(5)

Oregon's Statewide Planning Goals & Guidelines

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES (<http://www.oregon.gov/LCD/docs/goals/goal5.pdf>)

Oregon Department of Land Conservation and Development

Numerical Agency List: 660

Agency Division Number: 23

OAR 660-23 Procedures and Requirements for Complying with Goal 5

Oregon Administrative Regulations (OAR): Parks and Recreation Department
http://arcweb.sos.state.or.us/pages/rules/oars_700/oar_736/736_tofc.html

DIVISION 50 HISTORIC PRESERVATION OFFICER

Procedural Rules

- . OAR 736-050-0001 Authority, Purpose and Policy

Special Assessment of Historic Property

- . OAR 736-050-0100 Special Assessment of Historic Property
- . OAR 736-050-0105 Definitions
- . OAR 736-050-0112 Requirement for Owner Expenditure
- . OAR 736-050-0120 Owner's Responsibilities
- . OAR 736-050-0125 Changes and Alterations to Properties Approved for Special Assessment
- . OAR 736-050-0135 Removal of Special Assessments
- . OAR 736-050-0140 Appeal Process

State Advisory Committee on Historic Preservation

- . OAR 736-050-0200 Purpose
- . OAR 736-050-0210 Statutory Authority
- . OAR 736-050-0220 Federal Requirements
- . OAR 736-050-0230 Definitions
- . OAR 736-050-0240 Organization and Duties
- . OAR 736-050-0250 Staff Activities Relating to the National Register Program
- . OAR 736-050-0260 Committee Procedures for Review and Approval of Nominations to the National Register

DIVISION 51 ARCHAEOLOGICAL PERMITS

- . OAR 736-051-0000 Dispute Resolution Process
- . OAR 736-051-0010 Definitions
- . OAR 736-051-0020 Disputes Covered by the Dispute Resolution Process
- . OAR 736-051-0030 Informal Dispute Resolution (Negotiation)
- . OAR 736-051-0040 Mediation
- . OAR 736-051-0050 Arbitration

Archaeological Permits

- . OAR 736-051-0060 Application for Archaeological Permit
- . OAR 736-051-0070 Definitions
- . OAR 736-051-0080 Process for Applying for an Archaeological Permit on Public Lands
- . OAR 736-051-0090 Process for Applying for an Archaeological Permit on Private Lands

Objections Permit reviewers may object to a permit application. If a permit reviewer objects to an application, SHPO will notify the applicant as soon as the objection is received. It is the responsibility of the applicant to contact the reviewer and attempt to resolve the objection. If the objection is resolved, it is the responsibility of the applicant to contact SHPO in writing of the resolution. Informal resolution is recommended to take no more than 30 days. If informal

resolution is not reached, the process will follow Oregon Administrative Rule (OAR) 736-051-0040 to 736-051-0050.

Oregon Administrative Regulations (OAR): Parks and Recreation Department
http://arcweb.sos.state.or.us/pages/rules/oars_700/oar_736/736_tofc.html

DIVISION 53. HERITAGE COMMISSION GRANT AND COORDINATION PROGRAMS OREGON MUSEUM GRANT PROGRAM

- . OAR 736-053-0100 Purpose
- . OAR 736-053-0105 Definitions
- . OAR 736-053-0110 Eligible Applicants
- . OAR 736-053-0115 Application Procedure
- . OAR 736-053-0120 Evaluation of Applications
- . OAR 736-053-0125 Award of Grants
- . OAR 736-053-0130 Museum Grant Review Committee
- . OAR 736-053-0135 Disbursement of Grant Funds
- . OAR 736-053-0140 Recovery of Grant Funds

Oregon Heritage Grants

- . OAR 736-053-0200 Purpose
- . OAR 736-053-0205 Definitions
- . OAR 736-053-0210 Eligible Applicants
- . OAR 736-053-0215 Application Procedure
- . OAR 736-053-0220 Evaluation of Applications
- . OAR 736-053-0225 Award of Grants
- . OAR 736-053-0230 Disbursement of Grant Funds
- . OAR 736-053-0235 Recovery of Grant Funds
- . OAR 736-053-0300 Purpose
- . OAR 736-053-0305 Definitions
- . OAR 736-053-0315 Qualification as a Statewide Anniversary Celebration
- . OAR 736-053-0325 Commission Coordination of Statewide Anniversary Celebrations

DIVISION 54. HISTORIC CEMETERY GRANTS

- . OAR 736-054-0000 Purpose
- . OAR 736-054-0005 Definitions
- . OAR 736-054-0010 Intent
- . OAR 736-054-0015 Eligibility
- . OAR 736-054-0020 Application Process
- . OAR 736-054-0025 Evaluation of Applications
- . OAR 736-054-0030 Award of Grants
- . OAR 736-051-0090

Objections Permit reviewers may object to a permit application. If a permit reviewer objects to an application, SHPO will notify the applicant as soon as the objection is received. It is the responsibility of the applicant to contact the reviewer and attempt to resolve the objection. If the objection is resolved, it is the responsibility of the applicant to contact SHPO in writing of the resolution. Informal resolution is recommended to take no more than 30 days. If informal resolution is not reached, the process will follow Oregon Administrative Rule (OAR) 736-051-0040 to 736-051-0050.

OAR 736-051-0080 to 0090 The removal of any historic burials needs to be coordinated with a professional archaeologist who has obtained a state archaeological permit.
http://arcweb.sos.state.or.us/pages/rules/oars_700/oar_736/736_051.html

b) Oregon Policy

c) Oregon Recommendations

Heritage Bulletins

<http://www.oregon.gov/oprd/HCD/pages/bulletins.aspx>

- (1) Heritage Bulletin # 1 - State Laws Pertaining to Historic Cemeteries
- (2) Heritage Bulletin # 4 - National Register of Historic Places
- (3) Heritage Bulletin # 5 - National Register Benefits and Restrictions
- (4) Heritage Bulletin # 6 - National Register Historic Districts
- (5) Heritage Bulletin # 9 - Ways to Protect a Historic Cemetery

Archaeology Bulletins

- (1) Archaeology Bulletin 1 - Archaeological Sites on Private Lands
- (2) Archaeology Bulletin 1 - Archaeological Sites on Private Lands FAQ
- (3) Archaeology Bulletin 2 - Archaeological Permits
- (4) Archaeology Bulletin 2 - Archaeological Permits FAQ
- (5) Archaeology Bulletin 2 - Archaeological Permits Checklist

- (1) SHPO Archaeological - Site Form Manual: 2009
- (2) SHPO Archaeological - Site Form
- (3) SHPO Archaeological - Survey & Reporting Standards: 2011
- (4) SHPO Archaeological - Field Guidelines: 2013

c)(1) Oregon Recommendations Cemeteries

- . Heritage Bulletin # 1 - State Laws Pertaining to Historic Cemeteries (see Section III.C)
- . Heritage Bulletin # 9 - Ways to Protect a Historic Cemetery (see Section III.C)

- . August 18, 2014 Email From Oregon Commission on Historic Cemeteries
- . August 19, 2014 Email From Oregon Commission on Historic Cemeteries

c)(2) Oregon Recommendations Archaeological

- . Archaeology Bulletin 1 - Archaeological Sites on Private Lands (see Section III.C)
- . Archaeology Bulletin 1 - Archaeological Sites on Private Lands FAQ (see Section III.C)
- . Archaeology Bulletin 2 - Archaeological Permits (see Section III.C)
- . Archaeology Bulletin 2 - Archaeological Permits FAQ (see Section III.C)
- . Archaeology Bulletin 2 - Archaeological Permits Checklist (see Section III.C)

- . August 7, 2014 Email From Oregon State Historic Preservation Office
- . September 15, 2014 Email From Oregon State Historic Preservation Office

3. Local - Josephine County, Oregon

C. Court Opinions

1. Federal

2. State of Oregon

a) Headnotes: Oregon Land Use Board of Appeals (LUBA)

Headnotes 9. GOAL 5 - OPEN SPACES AND NATURAL RESOURCES/ GOAL 5 RULE

<http://www.oregon.gov/LUBA/Pages/Headnote-Index.aspx>

. Headnotes 9.1 Generally

. Headnotes 9.2 Resource Inventory

. Headnotes 9.3 Conflicting Use Identification

. Headnotes 9.4 ESEE Consequence Determination

. Headnotes 9.5 Resource Protection Programs

Headnotes 48. BALLOT MEASURE 49

<http://www.oregon.gov/LUBA/Pages/Headnote-Index.aspx>

. Headnote 48.1 Ballot Measure 49 – Generally. A decision that grants subdivision approval based on Measure 37 waivers after Measure 49 has taken effect must be reversed under *Corey v. DLCD*, 344 Or 457, 184 P3d 1109 (2008) and *Pete’s Mountain Homeowners Assn. v. Clackamas County*, 227 Or App 140, 204 P3d 802, *rev den* 346 Or 589 (2009). *Walker v. Josephine County*, 60 Or LUBA 333 (2010).

(<http://www.oregon.gov/LUBA/docs/headnotes/48.1.pdf>)

b) Opinions: Oregon Land Use Board of Appeals (LUBA)

Josephine County Decision Reversed: *Walker v. Josephine County*, 60 Or LUBA 333 (2010)

2008-136 Walker v. Josephine County

(<http://www.oregon.gov/LUBA/docs/opinions/2010/01-10/08136.pdf>)

3. District

D. Private Resources

HuNAHS's Educational Brochures

Hugo Graves Team

- . Hugo Graves Team: 2011
- . Hugo Graves Team: 2014
- . Rules for Private Graves

Pioneers/Property Owners

- . Hugo Tombstone Quarry Section of Applegate Trail
- . Solomon Abraham Family: Hugo Pioneers
- . O & C Railroad
- . O & C Railroad: Chinese Workers
- . Applegate Trail & Pleasant Valley Cemetery
- . Pleasant Valley Cemetery: 1870s?
- . Pleasant Valley School
- . Tombstone Analysis
- . Squier Family: Hugo Settlers
- . Augustus Walker: Hugo Pioneer
- . Walker's Mill Precinct

Applegate Trail

- . JR Of Applegate Trail: Pleasant Valley (JA-9A)
- . JR Applegate Trail: Silvestri Property
- . JR Ford No. 6: Jumpoff Joe Creek Ford
- . JR Ford No. 5: Schoolhouse Creek Ford

Historic Cemeteries & Gavesites

- . Pleasant Valley Cemetery
- . Pleasant Valley Cemetery Mapping Project: 2006
- . Neely & Trimble Cemeteries
- . Trimble's Grave
- . Neelys' Hugo Grave Sites: 1870s - 1880s

Funding

- . Trust Fund
- . Donations
- . In-Kind

IV. PLANNING (Neely & Trimble Historic Cemeteries Plan)

A. Hugo Graves Team Long Range Planning

1. Historic Cemetery Long Range Planning Workbook
2. Cemetery Plan For Neely & Trimble Gravesites (Neely & Trimble Historic Cemeteries Plan)

B. Historical Cemeteries Versus Archeological Sites

C. Agencies & Departments

1. Josephine County
2. Oregon
 - a) Oregon State Historic Preservation Officer (SHPO), Oregon Heritage Services, Oregon Parks & Recreation Department
 - b) Oregon Commission on Historic Cemeteries, Oregon Heritage Services, Oregon Parks & Recreation Department
3. Federal

D. Hugo Graves Team Planning

1. Meetings
 - a) August 27, 2014 Agenda for HGT Field Tour
 - b) August 27, 2014 Minutes of HGT Field Tour
 - c) September 3, 2014 Minutes of HGT Meeting at JO CO Planning
 - d) September 22, 2014 Minutes of HGT Meeting at JO CO Public Works
 - e) September 30, 2014 Minutes HGT
 - f) November 13, 2014 Minutes HGT

E. Plans

V. HISTORY (Neely & Trimble Historic Cemeteries Plan)

A. Pioneers

1. Newspaper Articles
2. Gallery
 - . Ms. Bryan's Gallery
 - . Trimble Gallery
 - . Neely Gallery

B. Issues

VI. HISTORIC CEMETERY SITES (Neely & Trimble Historic Cemeteries Plan)

- . Pleasant Valley Cemetery
- . Tombstone Quarry
- . Neely Gravesites
- . Trimble Gravesites

VII. GROUNDS, FEATURES, LANDSCAPE, FACILITIES (Neely & Trimble Historic Cemeteries Plan)

- . Condition
- . Projects
- . Maintenance

VIII. ORGANIZATION (Neely & Trimble Historic Cemeteries Plan)

- . Organization
- . Incorporation/tax status: 501(c)(13), 501(c)(3), Oregon State Corporation Status
- . By Laws/Articles of Incorporation/Structure
- . Funding/Fundraising
- . Volunteer Management
- . Leadership & Board Development
- . Collaboration & Partnership

IX. OPERATIONS (Neely & Trimble Historic Cemeteries Plan)

X. RECORDS

A. Sites

- . Neely Gravesite
- . Trimble Family Gravesite
- . Pleasant Valley Cemetery

B. What information should be recorded?

1. Organizational Records

2. Burial Records

3. Property Records

a) Hugo Historic Cemeteries

Heritage Bulletin # 1 - State Laws Pertaining to Historic Cemeteries

Heritage Bulletin # 9 - Ways to Protect a Historic Cemetery

(1) Oregon Commission On Historic Cemeteries Historic Cemetery Survey Form

- . Neely Graves
- . Trimble Graves
- . Pleasant Valley Cemetery

(2) Listed Historic Cemeteries In Oregon

- . Neely Graves
- . Trimble Graves
- . Pleasant Valley Cemetery

(3) Certificates Of Historic Cemetery Registered with OCHC

- . Neely Graves
- . Trimble Graves
- . Pleasant Valley Cemetery

(4) OCHC Decision Records

- . Neely Graves
- . Trimble Graves
- . Pleasant Valley Cemetery

b) Hugo Archeological Sites (Archaeological site forms) With Assigned Smithsonian Trinomials

- (1) Archaeology Bulletin 1 - Archaeological Sites on Private Lands
- (2) Archaeology Bulletin 1 - Archaeological Sites on Private Lands FAQ
- (3) Archaeology Bulletin 2 - Archaeological Permits
- (4) Archaeology Bulletin 2 - Archaeological Permits FAQ
- (5) Archaeology Bulletin 2 - Archaeological Permits Checklist

- . Neely Graves
- . Trimble Graves
- . Pleasant Valley Cemetery

c) Deeds

- . Neely Graves
- . Trimble Graves
- . Pleasant Valley Cemetery

Deeds Table 1. Neely & Trimble Grave Sites

- . 1865 Aug 15: Cash Entry Patent 662; BLM Records; U.S. to Solomon Et Al Abraham.
- . 1865 Aug 15: Cash Entry Patent 662; BLM Records; U.S. to Solomon Et Al Abraham.
- . 1865 Aug 15: Cash Entry Patent 662; BLM Records; U.S. to Solomon Et Al Abraham.
- . 1870 - 1882: Two members of the Trimble family died between 1870 and 1882 and are buried in the Trimble gravesites.
- . 1877 - 1882: Neelys lost four of their children from 1877 - 1882.
- . 1894 Aug 31: Original Grant; U.S. to John S. Brown.
- . 1895 Map: Koch, Joseph , Draughtsman. 1895 Official Josephine County, OR. Map. Scale 1 inch = 1 mile. Meston - Dygert Book M'F'G. Portland, OR.
- . 1946 Oct 10: Warranty Deed; Charleston to Peres & Brown.
- . 1947 Sept 6: Warranty Deed; Peres to Mauldin.
- . 1948 Oct 22: Warranty Deed; Mauldin to Corter.
- . 1948 Oct 25: Withdrawal of Title; Mauldin.
- . 1909 Aug 23: Indenture Witnesseth; James Neely for Florance Cochrane & Edward Neely.
- . 1910 Jul 20: Affidavit; Edward Neely acquainted with John S. Brown.
- . 1910 Jul 20: Affidavit; Edward Neely acquainted with Elizabeth F. Neely.
- . 1956 Nov 23: Richard L. Templin, Jr., Registered Professional Engineer; Survey of E. D. Potts Property, Section 11, T.35S., R.6W., WM.
- . 1974 Mar 23: Conex, Inc.; Survey # 59 74 of Schoolhouse Cr. Road for Alvis & Edith Rais; based on Survey # 143-56.
- . 2014 Aug: JO CO Assessor Data, Account R303368 (MAPNUM: 350611B0001500) Cemetery Tax Lot 1500 (Trimble), Section 11, T35S, R6W, WM.
- . 2014 Aug: JO CO Assessor Data, Account R303367 (MAPNUM: 350611B0001400) Cemetery Tax Lot 1400 (Neely), Section 11, T35S, R6W, WM.

Deeds Table 2. Pleasant Valley Cemetery (PVC)

. 1866. In 1866 Congress enacted legislation authorizing a grant of lands (about 4 million acres of forestland in western Oregon) to be conveyed to a railroad company to help finance construction of a railroad from Portland, Oregon to the California border for which the Oregon legislature would designate.

. 1869. The Oregon legislature designated the Oregon Central Railroad Company (West Side Company) as the grantee in October 1866. It switched the designation in 1868 to another company also identified as the Oregon Central Railroad Company (East Side Company). The Oregon legislature's action required remedial congressional legislation which occurred in 1869 (Railroad Patent 38). In 1869 the Oregon and California Railroad Company (O & C) was formed which consolidated the two existing companies.

The O & C Railroad's first rail out of Portland was laid in 1869 and by 1872 it was completed to Roseburg. After a long hiatus due to shaky finances and high expenses, the first official train arrived in Grants Pass December 2, 1883. The Southern Pacific Railroad acquired control (i.e., 40-year lease) in 1884 and the railroad connected Oregon and California in 1887.

. 1850s Deed from Fred Sharp, President, PVC Association

. Act of July 25, 1866 (14 Stat. 239)

. Act of April 10, 1869 (16 Stat. 47). Railroad Patent No. 38 (Page 1 of 5 - File RRNo1.0).

. March 17, 1896. Oregon & California (O & C) Railroad Company Patent No. 38 for 109,827.83 acres. The O & C would sell/grant to the Pleasant Valley Cemetery (PVC) Association (Assn.) 40 acres of that patent three years later on July 5, 1899.

. March 17, 1896. O & C Railroad Brochure

. March 17, 1896. O & C Railroad: Chinese Workers Brochure

. May 1896. PVC Assn. History Minutes (Page 1 of 2; File RRNo2.1).

. May 1896. PVC Assn. History Minutes (Page 2 of 2; File RRNo2.2).

. May 30, 1896. PVC Assn. Minutes (Page 1 of 1; File RRNo3.0).

. June 15, 1897. PVC Assn. Certificate of Filing OR Articles of Incorporation (Page 1 of 1; File RRNo4.0).

. July 5, 1899. Quick Claim Deed No. 2665 From O & C Railroad to PVC Assn. (Page 2 of 4; File RRNo5.2).

.

d) Maps

(1) Applegate Trail

http://www.hugoneighborhood.org/Misc_Maps.htm

- Map 1. Applegate Trails: Rogue River to Canonville, Oregon: 1856
- Map 2. Applegate Trails: Rogue River to Leland Creek, Oregon: 1856
- Map 3. Hugo Neighborhood Association & Historical Society Constitution Map
- Map 4. Mountains of Hugo
- Map 5. Hugo Pioneer Map
- Map 6. Donation Land Claims Hugo Region: Sept. 1850 - Dec. 1855
- Map 7. Gravel Pit Station Neighbors: 1895
- Map 8. Hugo's Applegate Trails: Jacksonville Road From Louse Creek to Pleasant Valley Cemetery: Map I of IV
- Map 9. Hugo's Applegate Trails: Jacksonville Road From Louse Creek to Jumpoff Joe Creek: Map II of IV
- Map 10. Hugo's Applegate Trails: Jacksonville Road From Pleasant Valley Cemetery to Mt. Sexton Pass & Illinois Valley Road From Jumpoff Joe Creek to Widow Niday's Place: Map III of IV
- Map 11. Hugo's Applegate Trails: Jacksonville Road From Mt. Sexton Pass to Grave Creek: Map IV of IV
- Map 12. Verification of Accuracy: 1856 General Land Office Survey Field Notes
- Map 13. Hugo's Applegate Trail: Mt. Sexton
- HGP Map 14. 1855 Applegate Trail Site Pleasant Valley JA-9, Pleasant Valley, Oregon
- HGP Map 15. 1855 Applegate Trail Alternative Locations & Pleasant Valley Cemetery
- HGP Map 16. 1855 Applegate Trail Site Pleasant Valley JA-9 Tax Lot Relationships

(2) Hugo Cemeteries and Graves

- a) Pleasant Valley Cemetery
- b) Neely & Trimble Family Gravesites

- N&TG Map 1. Survey Of E. D. Potts Property in Josephine CO: 1956
- N&TG Map 2. Survey of Schoolhouse Creek Road in Josephine CO: 1974
- N&TG Map 3. Josephine County Assessor: Section 11, T.35S., R.6W., WM
- N&TG Map 4. Josephine County Assessor: NW 1/4, Section 11, T.35S., R.6W., WM
- N&TG Map 5. Josephine County Assessor: Neely & Trimble Gravesites

5. Business Records

C. Planning Records

1. Josephine County, Oregon

a) Josephine County Planning Department

- . Pre-Application Review
- . Land Use Request

b) Josephine County Public Works

2. State of Oregon

a) Oregon State Historic Preservation Office (SHPO), Oregon Heritage Services, Oregon Parks & Recreation Department

b) Oregon Commission on Historic Cemeteries, Oregon Heritage Services, Oregon Parks & Recreation Department

D. Long term storage

E. Electronic vs. Concrete

XI. OUTREACH/EDUCATION (Neely & Trimble Historic Cemeteries Plan)

A. Audience

B. Themes

C. Outreach/Education Methods

1. Government Information Requests From HuNAHS

a) Oregon State Historic Preservation Office (SHPO), Oregon Heritage Services, Oregon Parks & Recreation Department

- . August 7, 2014 Email/Letter Information Request to SHPO from HuNAHS
- . August 7, 2014 Email Response from SHPO to HuNAHS
- . September 6, 2014 Email/Letter Information Request to SHPO from HuNAHS

b) Oregon Commission on Historic Cemeteries, Oregon Heritage Services, Oregon Parks & Recreation Department

- . September 10, 2014 Email/Letter Information Request to OCHC from Hugo Graves Team

c) Josephine County Planning Office (JCPO), Josephine County, Oregon

- . September 7, 2014 Email/Letter Information Request to JCPO from Hugo Graves Team

d) Josephine County Public Works Department (JCPW), Josephine County, Oregon

- . September 6, 2014 Email/Letter Information Request to JCPW from Hugo Graves Team

2. Private Information Requests

- . Descendants of Neely Pioneers
- . Descendants of Trimble Pioneers

3. Neighborhood Projects

- . Hugo Graves Team Developing Cemetery Plan for Neely and Trimble Gravesites
- . Hugo Neighborhood Association & Historical Society and Pleasant Valley Cemetery Association Opinion Survey

XII. PRIORITY SETTING (Neely & Trimble Historic Cemeteries Plan)

FOOTNOTES (Neely & Trimble Historic Cemeteries Plan)

TABLES (Neely & Trimble Historic Cemeteries Plan)

Deeds Table 1. Neely & Trimble Grave Sites

APPENDICES (Neely & Trimble Historic Cemeteries Plan)

Appendix A. Private Home Graves & Public Historical Cemeteries (Neely & Trimble Historic Cemeteries Plan)

Appendix B. Standards & Criteria (Neely & Trimble Historic Cemeteries Plan)

Appendix C. Document Verification & Reliability of Evidence (Neely & Trimble Historic Cemeteries Plan)

Appendix D. Historical Documents

Appendix E. Gallery

Title Page Icons

Photo/Image/Icon Representing HuNAHS's Cemeteries and Graves Program & Plan: Esther Jane Ritchie's Hugo Grave Stone.

Icon representing Neely & Trimble Historic Cemeteries: Family Gravesite Tombstone.

Neely & Trimble Historic Cemeteries Plan

At 28 page draft outline as of October 14, 2014 was much more extensive than this following plan. The purpose of the draft outline (i.e., pages i, ii, iii, etc.) is to give structure to the web published plan and its component individual supporting web published reference and resource documents. The “text” in the draft outline will eventually be edited for the minimum necessary to connect the major chapters (i.e., I, II, III. etc.) and sub-sections together.

The N&T Historic Cemeteries Plan will contain all the information in the draft web published outline, and its applicable extensive clarification and explanation text, photos, charts, tables, etc.

BACKGROUND

During the summer of 2014 the Hugo Graves Team elected to implement a long-term project to update the Hugo Neighborhood Association & Historical Society’s (HuNAHS’s) cemeteries and home graves web pages. Member Mike Walker has the Coordinator lead on this web publishing project.

Members Hugo Graves Team

Hugo Neighborhood Association & Historical Society
<http://www.hugoneighborhood.org/hugohomegraves.htm>

- . Jean Boling
- . Ms. Bryan
- . Liz Butowitsch
- . Wayne McKy
- . Mike Walker

On August 15, 2014 Mike Walker, HuNAHS Cemeteries Web Site Coordinator, made the decision to, as applicable, update the HuNAHS’s Cemeteries and Hugo’s Home Graves web sites with the file management and outline used by *Historic Cemetery Long Range Planning Workbook*. The file management and program outline will be applicable to both of HuNAHS Cemeteries/Graves programs.

1. **HuNAHS’s Cemeteries and Graves Program Plan**
<http://www.hugoneighborhood.org/cemeteries.htm>
2. **Hugo’s Home Graves**
<http://www.hugoneighborhood.org/hugohomegraves.htm>

Hugo’s Historic Cemeteries
Pleasant Valley Cemetery
Neely Gravesites
Trimble Gravesites

Hugo's Home Graves
Hugo's Home Graves
Hugo Grave Team
Nidays' Graves (private)
Hall's Grave (public)
Trimbles' Graves (public)
Neelys' Graves (public)
Ritchies' Graves (private)
Mackenzies' Graves (private)
Sattlers' Graves (private)
Stacys' Graves (private)
Sexton Mt. Pass Grave (unidentified)

This outline of the Neely & Trimble Historic Cemeteries Plan is considered “very draft” as it is a first alternative scenario of what the final Neely & Trimble Historic Cemeteries Plan could develop toward. The unknown future is because the outline is considered organic and will evolve over time. In fact, the intent is not to develop a final cemetery plan in some period of time, say the next six months. The intent is to develop a structure for eventual preservation and management which will evolve over time depending on the time and energy of its volunteer planners and implementers.

INTRODUCTION: HuNAHS'S SPECIFIC PLANS FOR INDIVIDUAL CEMETERIES AND/OR GRAVES

On August 22, 2014 Ms. Bryan and Mike Walker, members HGT, made a recommendation to the HGT to develop site specific cemetery plans for the Neely and Trimble grave sites.

On August 27, 2014 the Hugo Graves Team conducted a field tour of the Neely and Trimble grave sites. One of the agenda items was to discuss the recommendation for the Hugo Graves Team to develop site specific cemetery plans for the Neely and Trimble grave sites. At the end of the information tour the HGT voted to develop the cemetery plans. Roles of HGT members follow.

Ms. Bryan, HGT Member & Neely and Trimble Cemeteries Plans Coordinator
Jean Boling, HGT Member, Cemetery Crawler (Cemeteries Expert), & Grants Advisor
Liz Butowitsch, HGT Member & Outreach
Wayne McKy, HGT Member & Outreach
Mike Walker, HGT Member & Standards & Criteria Lead & Web Publisher

It is assumed that implementation of the cemetery plans will be carried out by a yet to be formed Historic Neely & Trimble Gravesites Team.

I. MISSION

A. Hugo Neighborhood Association & Historical Society (HuNAHS) Mission

A. HuNAHS

1. Mission The mission of the Hugo Neighborhood Association & Historical Society (HuNH&HS) follows.

- *Promote Citizen Involvement (Oregon Statewide Goal 1)*
- *Promote Education*
- *Protect Our Farms and Forests (Oregon Statewide Goals 3 & 4)*
- *Protect Our Community's Rural Quality of Life*
- *Preserve Our History*

Hugo Neighborhood is an informal nonprofit charitable and educational organization with a land use and history mission promoting the social welfare of its neighbors. Its land use mission is to promote the social welfare of the citizens of the area by working to preserve, protect, and enhance the livability and economic viability of its farms, forests, and rural neighbors.

Its history mission is to identify, document, interpret, and preserve the cultural resources of our community, especially our local history, and for building public cultural interest and participation in the history of the Hugo area.

2. Rich Local History One of the ways the *Hugo Neighborhood* aims to best promote the social welfare of its Hugo neighbors is by collecting, preserving, interpreting, and researching its rich local history, and encouraging neighbor's interest in the history of the Hugo area, in their geographic place, in their community.

We know the quality of rural life in Hugo is enhanced through citizen knowledge of its history and the sense of community that a historical perspective facilitates.

We want to work with cultural agencies and their constituents to communicate with and educate the public on the role culture plays in the lives of our neighbors and our Hugo community.

Cultural assets in communities can include theaters, performing arts centers and programs, historic buildings, museums and their exhibits, historical societies, public art, historic trails and landscapes, pioneer cemeteries, archeological sites, architecture, Native American culture and traditions, libraries, and parks. We believe many of our cultural assets are endangered, or could soon become threatened.

Culture is the distillation of those things that identify us as people, including our shared and individual sense of heritage, history, place, creativity and art, traditions and customs, and it is an integral part of Oregon and Hugo.

We believe culture, as one basis for a healthy community, can be an alternative to destructive behavior and a healing force, and that children educated in their history and culture will contribute to the creative workforce of our evolving technological world.

In the end, Hugoites will be able to tell the story of cultural growth and cultural impact. Children will see its impact on their learning. Families will see the effect of culture through their local participation and use of resources. Community development will see its impact economically and through greater social involvement and especially pride

B. Hugo Graves Team

1. Mission
2. Goals & Objectives
3. Cemetery Planning

C. Historic Neely & Trimble Grave Sites Group

1. Mission
2. Goals & Objectives
3. Cemetery Planning
4. Implementation

II. STRATEGIES & GOALS

A. HuNAHS

The HuNAHS will support the independent HGT from a distance already committed to letting it develop its own processes and decisions. It will become involved upon request of the HGT for formal outreach projects and a limited amount of financial support.

B. Hugo Graves Team

C. Historic Neely & Trimble Grave Sites Group

III. RESOURCES

A. Standards & Criteria

1. Laws

- a) Federal
- b) Oregon Revised Statutes (ORSs)
- c) Josephine County

- (1) JO CO Comprehensive Plan
- (2) JO CO Rural Land Development Code
- (3) JO CO Ordinances

2. Regulations

- a) Federal
- b) Oregon Administrative Rules (OARs)

3. Oregon Bulletins (i.e., manuals, handbooks, guidebooks, specific processes and/or steps, etc.)

a) Heritage Bulletins

- (1) Heritage Bulletin # 1 - State Laws Pertaining to Historic Cemeteries
- (2) Heritage Bulletin # 4 - National Register of Historic Places
- (3) Heritage Bulletin # 5 - National Register Benefits and Restrictions
- (4) Heritage Bulletin # 6 - National Register Historic Districts
- (5) Heritage Bulletin # 9 - Ways to Protect a Historic Cemetery

b) Archaeology Bulletins

- (1) Archaeology Bulletin 1 - Archaeological Sites on Private Lands
- (2) Archaeology Bulletin 1 - Archaeological Sites on Private Lands FAQ
- (3) Archaeology Bulletin 2 - Archaeological Permits
- (4) Archaeology Bulletin 2 - Archaeological Permits FAQ
- (5) Archaeology Bulletin 2 - Archaeological Permits Checklist

4. Policy

B. Government

1. Local Governments

a) Josephine County

- (1) JO CO Board of County Commissioners
- (2) JO CO Planning Department
- (3) JO CO Public Works

b)

2. State of Oregon

a) Historic Cemeteries/Oregon Commission on Historic Cemeteries
<http://www.oregon.gov/oprd/HCD/OCHC/Pages/index.aspx>

b) Historic Cemetery Grant Program
http://www.oregon.gov/oprd/HCD/FINASST/pages/grants.aspx#Historic_Cemetery_Grant_Program

c) Heritage Bulletins
<http://www.oregon.gov/oprd/HCD/pages/bulletins.aspx>

d) Oregon Parks & Recreation Department: Oregon Heritage
<http://www.oregon.gov/OPRD/hcd/pages/index.aspx>

e) Oregon Parks & Recreation Department: Oregon Heritage Archaeological Services
<http://www.oregon.gov/oprd/HCD/ARCH/Pages/index.aspx>

f) Oregon Parks & Recreation Department: Oregon Heritage Archaeology Bulletins

3. Federal

C. Pioneer Meadows Example

D. Oregon Commission on Historic Cemeteries
503-986-0671
Heritage.Programs@state.or.us
www.oregonheritage.org

E. Oregon Mortuary and Cemetery Board
971-673-1500
Mortuary.board@state.or.us
www.oregon.gov/MortCem

F. Cemetery Association of Oregon
503-651-1724
Info@cemeteryassociationoforegon.com
www.cemeteryassociationoforegon.com

IV. CEMETERY PLANNING

A. Long Range Planning

1. *Historic Cemetery Long Range Planning Workbook*
2. Cemetery Plan For Neely & Trimble Gravesites

B. Historical Cemeteries Versus Archeological Sites

C. Agencies & Departments

1. Josephine County

2. Oregon

a) Oregon State Historic Preservation Officer (SHPO), Oregon Heritage Services, Oregon Parks & Recreation Department

b) Oregon Commission on Historic Cemeteries, Oregon Heritage Services, Oregon Parks & Recreation Department

3. Federal

D. Private

1. Oregon Mortuary and Cemetery Board

2. Cemetery Association of Oregon

V. HISTORY: NEELY & TRIMBLE HISTORIC CEMETERIES

A. Graves Teams

1. Hugo Graves Team
2. Historic Neely & Trimble Gravesites Team

B. Public Record Histories

1. Pleasant Valley Cemetery Association
 - a) Tax Status
 - b) Officers
 - c) Cemetery Plan
2. Neely Gravesites
 - a) Tax Status
 - b) Officers
 - c) Cemetery Plan
3. Trimble Family Gravesites
 - a) Tax Status
 - b) Officers
 - c) Cemetery Plan

C. History Records

1. Documents
 - a) Newspaper Articles
 - b) Gallery
 - c)

VI. HISTORIC CEMETERY SITES (surveys, documentation)

A. Pleasant Valley Cemetery

B. Neely Cemetery

C. Trimble Cemetery

VII. GROUND, FEATURES, LANDSCAPE, FACILITIES

A. Pleasant Valley Cemetery

1. Condition
2. Projects
3. Maintenance
3. Priorities

B. Neely Gravesites

1. Condition
2. Projects
3. Maintenance
3. Priorities

C. Trimble Gravesites

1. Condition
2. Projects
3. Maintenance
3. Priorities

VIII. ORGANIZATIONS

A. Pleasant Valley Cemetery

1. Incorporation/tax status
2. By Laws/Articles of Incorporation/Structure
3. Funding/Fundraising
4. Volunteer Management
5. Leadership & Board Development
6. Collaboration & Partnership
7. Priorities

B. HuNAHS

1. Incorporation/tax status
2. By Laws/Articles of Incorporation/Structure
3. Funding/Fundraising
4. Volunteer Management
5. Leadership & Board Development
6. Collaboration & Partnership
7. Priorities

C. Hugo Graves Team

1. Incorporation/tax status
2. By Laws/Articles of Incorporation/Structure
3. Funding/Fundraising
4. Volunteer Management
5. Leadership & Board Development
6. Collaboration & Partnership
7. Priorities

D. Historic Neely & Trimble Grave Sites Team

1. Incorporation/tax status
2. By Laws/Articles of Incorporation/Structure
3. Funding/Fundraising
4. Volunteer Management
5. Leadership & Board Development
6. Collaboration & Partnership
7. Priorities

IX. OPERATIONS

A. Pleasant Valley Cemetery

1. Rules
2. New Burials
3. Fees & services
4. Contracts
5. Priorities

B. Neely Gravesites

1. Rules
2. New Burials
3. Fees & services
4. Contracts
5. Priorities

C. Trimble Gravesites

1. Rules
2. New Burials
3. Fees & services
4. Contracts
5. Priorities

X. RECORDS

A. Hugo Historic Cemeteries^{X1 & X2}

1. Oregon Commission On Historic Cemeteries Historic Cemetery Survey Form

http://www.oregon.gov/oprd/HCD/OCHC/docs/hist_cem_survey_revised_2005.pdf

- a) Pleasant Valley Cemetery (?)
- b) Neely Graves (completed OCHC Historic Cemetery Survey Form)
- c) Trimble Graves (completed OCHC Historic Cemetery Survey Form)

2. Listed Historic Cemeteries In Oregon

http://www.oregon.gov/oprd/HCD/OCHC/docs/Cemetery_List.pdf

- a) Pleasant Valley Cemetery (listed)
- b) Neely Graves (listed)
- c) Trimble Graves (listed)

3. Certificates Of Historic Cemetery Registered with OCHC

- a) Pleasant Valley Cemetery
- b) Neely Gravesites
- c) Trimble Family Gravesites

4. OCHC Decision Records

- a) Pleasant Valley Cemetery
- b) Neely Gravesites
- c) Trimble Family Gravesites

B. Hugo Archeological Sites (Archaeological site forms) With Assigned Smithsonian Trinomials

- a) Pleasant Valley Cemetery
- b) Neely Gravesites
- c) Trimble Family Gravesites

C. **Deeds** (i.e., deeds, affidavits, witness statements; birth, death, & marriage data; etc.). This information will be documented in the site specific cemetery plans.

1. Pleasant Valley Cemetery

2. Neely Gravesites (Deeds Table 1. Neely & Trimble Grave Sites)

3. Trimble Family Gravesites (Deeds Table 1. Neely & Trimble Grave Sites)

- . 1865 Aug 15: Cash Entry Patent 662; BLM Records; U.S. to Solomon Et Al Abraham.
- . 1865 Aug 15: Cash Entry Patent 662; BLM Records; U.S. to Solomon Et Al Abraham.
- . 1865 Aug 15: Cash Entry Patent 662; BLM Records; U.S. to Solomon Et Al Abraham.
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- . 1877 - 1882: Neelys lost four of their children from 1877 - 1882.
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- . 1946 Oct 10: Warranty Deed; Charleston to Peres & Brown.
- . 1947 Sept 6: Warranty Deed; Peres to Mauldin.
- . 1948 Oct 22: Warranty Deed; Mauldin to Corter.
- . 1948 Oct 25: Withdrawal of Title; Mauldin.
- . 1909 Aug 23: Indenture Witnesseth; James Neely for Florance Cochrane & Edward Neely.
- . 1910 Jul 20: Affidavit; Edward Neely acquainted with John S. Brown.
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- . 1956 Nov 23: Richard L. Templin, Jr., Registered Professional Engineer; Survey of E. D. Potts Property, Section 11, T.35S., R.6W., WM.
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- . 2014 Aug: JO CO Assessor Data, Account R303368 (MAPNUM: 350611B0001500) Cemetery Tax Lot 1500 (Trimble), Section 11, T35S, R6W, WM.
- . 2014 Aug: JO CO Assessor Data, Account R303367 (MAPNUM: 350611B0001400) Cemetery Tax Lot 1400 (Neely), Section 11, T35S, R6W, WM.

D. Maps

1. Applegate Trail (AT)

http://www.hugoneighborhood.org/Misc_Maps.htm

- . AT Map 1. Applegate Trails: Rogue River to Canonville, Oregon: 1856
- . AT Map 2. Applegate Trails: Rogue River to Leland Creek, Oregon: 1856
- . AT Map 3. Hugo Neighborhood Association & Historical Society Constitution Map
- . AT Map 4. Mountains of Hugo
- . AT Map 5. Hugo Pioneer Map
- . AT Map 6. Donation Land Claims Hugo Region: Sept. 1850 - Dec. 1855
- . AT Map 7. Gravel Pit Station Neighbors: 1895
- . AT Map 8. Hugo's Applegate Trails: Jacksonville Road From Louse Creek to Pleasant Valley Cemetery: Map I of IV
- . AT Map 9. Hugo's Applegate Trails: Jacksonville Road From Louse Creek to Jumpoff Joe Creek: Map II of IV
- . AT Map 10. Hugo's Applegate Trails: Jacksonville Road From Pleasant Valley Cemetery to Mt. Sexton Pass & Illinois Valley Road From Jumpoff Joe Creek to Widow Niday's Place: Map III of IV
- . AT Map 11. Hugo's Applegate Trails: Jacksonville Road From Mt. Sexton Pass to Grave Creek: AT Map IV of IV
- . AT Map 12. Verification of Accuracy: 1856 General Land Office Survey Field Notes
- . AT Map 13. Hugo's Applegate Trail: Mt. Sexton

- . HGP Map 14. 1855 Applegate Trail Site Pleasant Valley JA-9, Pleasant Valley, Oregon
- . HGP Map 15. 1855 Applegate Trail Alternative Locations & Pleasant Valley Cemetery
- . HGP Map 16. 1855 Applegate Trail Site Pleasant Valley JA-9 Tax Lot Relationships

2. Hugo Cemeteries and Graves

- a) Pleasant Valley Cemetery
- b) Neely & Trimble Family Gravesites

- . N&TG Map 1. Survey Of E. D. Potts Property in Josephine CO: 1956
- . N&TG Map 2. Survey of Schoolhouse Creek Road in Josephine CO: 1974
- . N&TG Map 3. Josephine County Assessor: Section 11, T.35S., R.6W., WM
- . N&TG Map 4. Josephine County Assessor: NW 1/4, Section 11, T.35S., R.6W., WM
- . N&TG Map 5. Josephine County Assessor: Neely & Trimble Gravesites

E. Priorities

XI. OUTREACH/EDUCATION

A. Potential Stakeholders

1. Government

a) Josephine County

- (1) JO CO Board of County Commissioners
- (2) JO CO Planning Department
- (3) JO CO Public Works

b) State of Oregon

- (1) Oregon Commission On Historic Cemeteries
- (2) Historic Cemetery Grant Program
- (3) Oregon Parks & Recreation Department: Oregon Heritage
- (4) Oregon Parks & Recreation Department: Oregon Heritage Archaeological Services

c) Federal

2. Private Groups & Individuals

- a) Hugo Neighborhood Association & Historical Society
- b) Hugo Graves Team
- c) Josephine County Historical Society
- d) Rogue Advocates
- e) Goal One Coalition
- f) Historic Neely & Trimble Graves Team

B. Audience

1. Neighbors

2. General Public

3. Government/Agencies/Departments

a) Josephine County

- (1) JO CO Board of County Commissioners
- (2) Planning Office
- (3) JO CO Planning Commission
- (4) JO CO Citizen Involvement Committee

b) Oregon

- (1) Oregon State Historic Preservation Office (SHPO), Oregon Heritage Services, Oregon Parks & Recreation Department
- (2) Oregon Commission on Historic Cemeteries, Oregon Heritage Services, Oregon Parks & Recreation Department

c) Federal

C. Themes

D. HGT & Neely & Trimble Historic Cemeteries Team Education & Outreach Methods

1. Research

2. Network With Potential Stakeholders

3. Information Requests (letters, email, telephone, etc.)

a) Oregon State Historic Preservation Office (SHPO)

b) Oregon Commission on Historic Cemeteries

c) JO CO Planning Office

d) Oregon Mortuary and Cemetery Board

e) Cemetery Association of Oregon

E. Priorities

XII. PRIORITY SETTING

A. Lead Coordinators

1. Update HuNAHS's Cemeteries Web Page: HuNAHS and Hugo Graves Team; Mike Walker, Member of HGT, Lead Coordinator.

2. Research & Document Facts (Substantial Evidence) for Neely & Trimble Graves: Hugo Graves Team; Ms. Bryan, Member of HGT, Cemeteries Planning Coordinator

- . Ms. Bryan, HGT Member
- . Jean Boling, HGT Member, Cemetery Crawler
- . Liz Butowitsch, HGT Member
- . Wayne McKy, HGT Member
- . Mike Walker, HGT Member
- . Neely & Trimble Descendants
- . Neighbors
- . Associations & Groups

3. Development of Cemetery Graves Plans: Application of *Historic Cemetery Long Range Planning Workbook*; Ms. Bryan, Member of HGT, Cemeteries Planning Coordinator.

- Ms. Bryan, HGT Member & Neely and Trimble Cemeteries Plans Coordinator
Jean Boling, HGT Member, Cemetery Crawler (Cemeteries Expert), & Grants Advisor
Liz Butowitsch, HGT Member & Outreach
Wayne McKy, HGT Member & Outreach
Mike Walker, HGT Member & Standards & Criteria Lead & Web Publisher
- . Neely & Trimble Descendants
 - . Neighbors
 - . Associations & Groups

Resources

- . Oregon Commission on Historic Cemeteries, Oregon Heritage Services, Oregon Parks & Recreation Department
- . Oregon Mortuary and Cemetery Board
- . Cemetery Association of Oregon
- . Josephine County
- . Oregon State Historic Preservation Officer (SHPO), Oregon Heritage Services, Oregon Parks & Recreation Department
- . Oregon Commission on Historic Cemeteries, Oregon Heritage Services, Oregon Parks & Recreation Department
- . Federal

4. Identification of Neely & Trimble Graves Team: Implementation of Cemetery Plans.

5. Implementation Grants: Ms. Bryan, Member of HGT, Cemeteries Planning Coordinator; Jean Boling, HGT Member, Cemetery Crawler (Cemeteries Expert), & Grants Advisor

B. Projects

FOOTNOTES (by document chapter)

Footnote X1. Oregon Historic Cemeteries List

http://www.oregon.gov/oprd/HCD/OCHC/pages/cemetery_survey_info.aspx

Oregon Parks & Recreation Department: Oregon Heritage: Oregon Commission on Historic Cemeteries

<http://www.oregon.gov/oprd/HCD/OCHC/Pages/index.aspx>

What is the list? In order to be considered a historic cemetery under state law, the cemetery must have at least one burial of a person who died before February 14, 1909 and be listed with Oregon Commission on Historic Cemeteries.

Oregon Historic Cemeteries List [PDF]

The Historic Cemeteries Programs provides surveys to use as a tool in listing a historic cemetery.

Footnote X2. Historic Cemetery Survey - the Form to List a Cemetery

http://www.oregon.gov/oprd/HCD/OCHC/pages/cemetery_survey_info.aspx

Oregon Parks & Recreation Department: Oregon Heritage: Oregon Commission on Historic Cemeteries

<http://www.oregon.gov/oprd/HCD/OCHC/Pages/index.aspx>

The Oregon Commission on Historic Cemeteries invites everyone to participate in surveying historic cemeteries. If you would like a cemetery to be listed please fill out a survey form and send it to:

Kuri Gill

Historic Cemeteries Program, OPRD

725 Summer St. NE, Suite C

Salem, OR 97301

Kuri.Gill@oregon.gov

Survey Forms: [WORD] [PDF]

TABLES

Deeds Table 1. Neely & Trimble Grave Sites

APPENDICES

Appendix A. Private Home Graves & Public Historical Cemeteries

Appendix B. Standards & Criteria

Appendix C. Document Verification & Reliability of Evidence

Appendix D. Historical Documents

Appendix E. Gallery

Appendix A. Private Home Graves & Public Historical Cemeteries

Private Home Graves.

Public Historical Cemeteries.

Appendix B. STANDARDS & CRITERIA

Standards and criteria are the measures that government decision-makers will use to make decisions. The law requires the local government to list the substantive criteria from the ordinances and comprehensive plan in notices that apply to land use applications. The Oregon Land Use Board of Appeals (LUBA) has ruled many times that the government's obligation is to ensure that compliance with all applicable approval criteria is determined at a stage that provides opportunity for notice and hearing (LUBA Headnotes at <http://www.oregon.gov/LUBA/Pages/Headnote-Index.aspx>).

1.3 Findings Generally

- 1.3.1 What Constitutes
- 1.3.2 Necessary Elements
- 1.3.3 Form of

1.4 Adequacy of Findings

- 1.4.1 Generally
- 1.4.2 Applicable Standards
- 1.4.3 Facts Relied on
- 1.4.4 Explanation of Rationale
- 1.4.5 Related Findings
- 1.4.6 Issues Addressed
- 1.4.7 Scope
- 1.4.8 Logic and Consistency

1.5 Requirement for Findings

- 1.5.1 Generally
- 1.5.2 Statutes
- 1.5.3 Statewide Goals
- 1.5.4 Administrative Rules
- 1.5.5 Local Standards

31. Permits

- 31.1 Approval Standards
 - 31.1.1 Generally
 - 31.1.2 Application Requirements
 - 31.1.3 Standards/Criteria
 - 31.1.4 Use of Conditions
 - 31.1.5 Statutory Requirement for

45. Conditions of Approval

- 45.1 Generally
- 45.2 Authority to Impose
- 45.3 Exactions
- 45.4 Consents to Annexation
- 45.5 Waivers of Remonstrance

Hugo Graves Team

Different outline? Other components to outline?

Is applying for a permit issued by the State Parks and Recreation Department a land use decision (i.e., for a person to excavate or alter an archaeological site on public and private lands, make an exploratory excavation on public lands to determine the presence of an archaeological site, or remove from public and private lands any material of an archaeological, historical, prehistoric or anthropological nature ORS 390.235-390.240).

Is relocating a historic cemetery a land use decision (e.g., ORS 97.440 Removal of dedication; ORS 97.450 Cemeteries may be discontinued; etc.).

Appendix C. Document Verification & Reliability of Evidence¹

The Hugo Graves Team (HGT), Hugo Neighborhood Association & Historical Society (HuNAHS or *Hugo Neighborhood*), believes that inventories for graves must be systematically and comprehensively documented for verification and reliability of evidence. This approach will foster credibility and lead to public trust and acceptance, and just as important it will result in more accurate inventories.

For the HGT, verifiability means other researchers and the public reading its educational brochures or other inventory documents can check where the information comes from and make their own determination if the references or sources are reliable. The HGT's goal is not to try impose "the truth" on its readers, and does not ask that they trust something just because they read it in an HGT document. It does not ask for their trust. Its goal is to empower other researchers and the public through educational materials that can be checked in order for them to find their own truth.

HGT's articles are intended as intelligent summaries and reflections of current published information, as well as an overview and analysis of the relevant literature. Verifiability is related to another core content concept, neutral point of view, which holds that the HGT include all significant views on a subject. Citing reliable sources for any material challenged or likely to be challenged gives readers the chance to check for themselves that the most appropriate sources have been used, and used as well as the applicable evidence available.

That HGT has rules for the inclusion of material does not mean HGT has no respect for truth and accuracy, just as a court's reliance on rules of evidence does not mean the court does not respect truth. HGT values accuracy, but it *requires* verifiability.

Toward those transparent inventory goals, the HGT combines ideas from HuNAHS's and

Oregon-California Trails Association's (OCTA's) missions; the Mapping Emigrant Trails (MET) Manual (i.e, general principles governing trail location and verification, and ranking the reliability of evidence used to verify trail location); OCTA Mapping, Marking, and Monitoring (MMM) program; and its own ideas about adequate graves information.

The HGT believes transparent inventories has to do with disclosure, discussion and documentation (DDD). At the first level transparency is providing information about an issue, event, project, policy, program, etc. and then providing a way for other researchers and the public to find and review that information.

At the second level the definition of transparency is defined as DDD in the sense of credibility and accountability. After all, these issues, projects, and programs all have to do with the public's interest, and potentially using public money or perhaps others' private money. For example, all grave inventories usually lead to some type of a grave classification category and a recommended management regime that costs money. For example, see the following.

- Oregon Commission On Historic Cemeteries (OCHS) Historic Cemetery Survey Form
- Listed Historic Cemeteries In Oregon
- Certificates Of Historic Cemetery Registered with OCHC
- OCHC Decision Records
- Oregon State Historic Preservation Office (SHPO) Archeological Sites (Archeological site forms) With Assigned Smithsonian Trinomials

The OCHC's, SHPO's, and the HGT's, classification categories for graves are designed to assess the condition of graves at the time of mapping and establish a basis on which to recommend levels of preservation and use for graves. The HGT encourages private landowners to consider the recommended levels of preservation and use for graves, both private and public.

The HGT believes inventory information becomes more valuable as it is shared, and less valuable as it is hoarded. Adequate information is a goal the HGT strives for all its published materials. It believes that any inventory opinion for purposes other than therapeutic subjective venting, should meet standards of adequacy to have any credibility. Any opinion purported to be based on analysis must meet standards of adequacy for an inventory decision to be credible. Any significant controversial inventory issue must meet stringent standards of adequacy for the final inventory decision to be credible and, therefore, its best opportunity to be accepted and supported by other researchers and the public.

An adequate graves inventory analysis has several elements, along with published documentation.¹

- Information Is Understood Or Not
- Supporting Arguments Are Made Or Not
- Standard(s) of Review Have Been Identified Or Not
- Applicable Evidence/Facts Are Available Or Not
- References and Sources of Information Were Identified Or Not
- Compliance With Adequacy Information Analysis Elements Or Not

Footnote 1. Walker, Mike. July 4, 2012.
Historical Trail Inventories Must Document Verification And Reliability Of Evidence - Draft
Proposal to Hugo Emigrant Trails Committee.
Walker is the Education Chair, Hugo
Neighborhood Association & Historical Society.
Hugo, Oregon. Not web published.

In summary, the HGT believes that meeting document verification and reliability of evidence guidelines is critical to its mission.

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